



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,064	09/16/2003	Zaki A. Kahn	059121.00006	2049
44093	7590	12/19/2005	EXAMINER	
ELEY LAW FIRM CO. 7870 OLENTANGY RIVER RD SUITE 311 COLUMBUS, OH 43235			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/663,064

**Applicant(s)**

KAHN ET AL.

**Examiner**

Joseph F. Edell

**Art Unit**

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 23 November 2005. The traversal is on the ground(s) that the embodiments of the species in Figures 9 and 10 are integral portions of the vehicle. This is not found persuasive because the search and consideration required for Species I is not required for the remaining species, thus the inventions are independent and distinct. Applicant may state that the species are not patentably distinct, however Applicant is reminded that upon the rejection of one species the other species will be rejected as obvious variances of one another.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the visual indication provided on the seat cushion, seat back, and headrest (claim 12), the latches of each lever (claims 6, 8, and 10), as well as the headrest controllably linked to the seatback (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 13-15 are objected to because of the following informalities:
  - a. claim 13, line 2, "its" should read --a--;
  - b. claim 13, line 3, "its" should read --an--;
  - c. claim 14, line 1, "its" should read --a--;
  - d. claim 14, line 2, "its" should read --an--;
  - e. claim 15, line 2, "its" should read --an--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,629,729 B2 to Wiedeman et al.

Wiedeman et al. discloses a seat that includes all the limitations recited in claims 1-3, 5, 7, and 12-15. Wiedeman et al. shows a seat having a seat cushion 28 (see Fig. 3) with a first frame and forward, rearward, top, and bottom portions, a forward support leg 58 pivotably coupled to the bottom portion of the seat cushion proximate the forward portion, an anchor member 40 (see Fig. 1) pivotably coupled to the first frame proximate the rearward portion of the seat cushion, a seatback 32 having a second frame and upper and lower portions, a moveable headrest 54 coupled to the upper portion of the seatback wherein the second frame is pivotably coupled to the anchor member proximate the lower portion of the seatback, the seat cushion is upwardly pivotable to a vertical position proximate and facially adjacent the seatback (Fig. 6), the seatback is downwardly pivotable to a horizontal position proximate and facially adjacent the seat

cushion (Fig. 5), the forward support legs automatically folds into a stowed position proximate the bottom portion of the seat cushion and automatically unfolds into an extending position (Fig. 6), the seat cushion is releasably retained either in a first horizontal position or a second vertical position, the seat cushion, seat back, and headrest each provide a visual indication when not in a retained position, the headrest is linked to the seat back such that the headrest advances toward a stowed position and an extended position, the headrest is biased toward the stowed position, and a passenger is deterred from utilizing the seat when the headrest is not in the extended position.

6. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0032155 A1 to Yamada et al.

Yamada et al. discloses a seat that includes all the limitations recited in claims 1, 2, and 5-7. Yamada et al. shows a seat having a seat cushion 14 (see Fig. 1) with a first frame and forward, rearward, top, and bottom portions, a forward support leg 17 pivotably coupled to the bottom portion of the seat cushion proximate the forward portion, an anchor member 15 pivotably coupled to the first frame proximate the rearward portion of the seat cushion, a seatback 11 having a second frame and upper and lower portions, a moveable headrest coupled to the upper portion of the seatback wherein the second frame is pivotably coupled to the anchor member proximate the lower portion of the seatback, the forward support legs automatically folds into a stowed position proximate the bottom portion of the seat cushion and automatically unfolds into

an extending position, the seat cushion is releasably retained either in a first horizontal position or a second vertical position by a first latch 29 (Fig. 3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of U.S. Patent No. 5,826,942 to Sutton et al.

Yamada et al. disclose a seat that is basically the same as that recited in claim 4, 10, and 11 except that the headrest lacks a pivotably coupling to the seatback and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Yamada et al. wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16, a headrest 24 pivotably coupled to the seatback, and a third latch 90 (Fig. 3) releasably retaining the headrest in a first extended position or a second stowed position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Yamada et al. such that the headrest is pivotably coupled to the seatback and a third latch releasably retaining the headrest in a first extended position or a second stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in

Sutton et al. that the headrest is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback.

9. Claims 8, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Sutton et al. as applied to claims 4, 10, and 11 above, and further in view of U.S. Patent No. 6,231,101 B1 to Kamida et al.

Yamada et al., as modified, disclose a seat that is basically the same as that recited in claim 8, 9, and 20 except that the seatback lacks a second latch, as recited in the claims. Kamida et al. show a seat similar to that of Yamada et al. wherein the seat has a seat cushion 12 (see Fig. 2), a seatback 16, and a second latch 45 releasably retained in a first vertical position or a second horizontal position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Yamada et al. such that the seatback has a second latch releasably retained in a first vertical position and a second horizontal position, such as the seat disclosed in Kamida et al. One would have been motivated to make such a modification in view of the suggestion in Kamida et al. that the latch allows the seatback to tilt forward to a stowed position.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats:

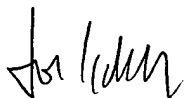


U.S. Pat. No. 5,489,141 to Strausbaugh et al. U.S. Pat. No. 5,707,103 to Balk

U.S. Pat. No. 5,984,397 to Dawson et al. U.S. Pat. No. 6,672,662 B1 to Balk

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
December 10, 2005